

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DARNELL SCURRY,	:	
	:	
	:	Civil Action No. 16-3854(RMB)
Petitioner,	:	
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
	:	

This matter comes before the Court upon Petitioner's motion for return of property under Federal Rule of Criminal Procedure 41, originally filed within his motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255, in Civil Action No. 14-7934. On June 28, 2016, this Court issued an Opinion and Order on Petitioner's § 2255 motion in Civil Action No. 14-7934, and also directed the Clerk of Court to open a new civil action in which to file Petitioner's motion for return of property under Fed. R. Crim. P. 41. The Court also ordered the Clerk to file a copy of the June 28, 2016 Order in the new action, and further ordered the Government to file a response to the motion for return of property within 30 days.

Although the Clerk of the Court opened this new civil action and filed the motion for return of property, the Clerk inadvertently failed to file a copy of the Court's June 28, 2016

Order in this new civil action. Therefore, Respondent did not receive notice of the Order to file a response to Petitioner's motion for return of property.

**IT IS** therefore on this 25th day of August 2017,

**ORDERED** that the Government shall file a response to the motion for return of property within 30 days of the date of this Order; and it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this Order on Petitioner by regular U.S. mail.

s/Renée Marie Bumb

**RENÉE MARIE BUMB**

**United States District Judge**